

SATURDAY, OCTOBER 30, 2021

FOURTH LEGISLATIVE DAY

THIRD EXTRAORDINARY SESSION

The hour of 12:00 midnight on October 30, 2021 having arrived, the House commenced with the 4th Legislative Day.

PRESENT IN CHAMBER

Rep. Lamar was recorded as being present in the Chamber.

RECESS EXPIRED

The recess having expired, the House was called to order by Mr. Speaker Sexton.

ROLL CALL DISPENSED

On motion of Rep. Lamberth the roll call was dispensed with.

MESSAGE FROM THE SENATE
October 30, 2021

MR. SPEAKER: I am directed to transmit to the House, Senate Bill No. 14. The Senate appointed a new Conference Committee composed of Senators: Johnson, Bell, Watson, Bailey, White, Akbari and Yarbrow to confer with a like committee from the House in open conference to resolve the differences between the bodies on Senate Bill No. 14.

RUSSELL A. HUMPHREY, Chief Clerk

HOUSE ACTION ON SENATE MESSAGES

Senate Bill No. 14 -- Unemployment Compensation - As introduced, allows a former employee to receive unemployment benefits if the employee's separation from employment was due to his or her refusal to receive a COVID-19 vaccination. - Amends TCA Title 9; Title 14; Title 29; Title 38; Title 49; Title 50; Title 63 and Title 68. by *McNally, *Johnson, *Roberts. (*HB77 by *Sexton C, *Zachary, *Campbell S, *Williams, *Cochran, *Moody, *Grills, *Hall, *Sherrell, *Griffey, *Leatherwood, *Rudd, *Cepicky, *Lynn, *Howell, *Todd)

CONFERENCE COMMITTEE APPOINTED
ON SENATE BILL NO. 14

Pursuant to **Rule No. 73**, Representative Zachary acceded to the request of the Senate and moved that the Speaker appoint a new Committee of the House to meet with a like Committee of the Senate to resolve the differences between the two bodies on Senate Bill No. 14, which motion prevailed.

The Speaker appointed Representatives Zachary, Lamberth, Rudd, Smith, Todd, Terry, Beck and Shaw as the House members of the Conference Committee on Senate Bill No. 14.

MESSAGE FROM THE SENATE
October 30, 2021

MR. SPEAKER: I am directed to transmit to the House, Senate Bill No. 14. The Senate adopted the Conference Committee Report and made it the action of the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

HOUSE ACTION ON SENATE MESSAGES

Senate Bill No. 14 -- Unemployment Compensation - As introduced, allows a former employee to receive unemployment benefits if the employee's separation from employment was due to his or her refusal to receive a COVID-19 vaccination. - Amends TCA Title 9; Title 14; Title 29; Title 38; Title 49; Title 50; Title 63 and Title 68. by *McNally, *Johnson, *Roberts. (*HB77 by *Sexton C, *Zachary, *Campbell S, *Williams, *Cochran, *Moody, *Grills, *Hall, *Sherrell, *Griffey, *Leatherwood, *Rudd, *Cepicky, *Lynn, *Howell, *Todd)

Rep. Zachary moved that the House adopt the Conference Committee Report on Senate Bill No. 14 and make it the action of the House.

CONFERENCE COMMITTEE REPORT ON
SENATE BILL NO. 14

The House and Senate Conference Committee appointed pursuant to motions to resolve the differences between the two houses on House Bill No. 77 (Senate Bill No. 14) has met and recommends that all amendments be deleted.

The Committee further recommends that the following amendment be adopted:

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, is amended by adding the following as a new title:

Title 14 – COVID-19

Chapter 1 – General Provisions

14-1-101. Definitions.

As used in this title, unless the context otherwise requires:

(1) "Adverse action" means to:

(A) Discriminate against a person by denying the person employment, privileges, credit, insurance, access, products, services, or other benefits; or

(B) Discharge, threaten, or otherwise discriminate against an employee in any manner that affects the employee's employment, including compensation, terms, conditions, locations, rights, immunities, promotions, or privileges;

(2) "Applicant" means a person who has applied for employment with an employer;

(3) "Arising from COVID-19" means caused by or resulting from the actual, alleged, or possible exposure to or contraction of COVID-19, or caused by or resulting from services, treatment, or other actions in response to COVID-19, including, but not limited to:

(A) Implementing policies and procedures to prevent or minimize the spread of COVID-19; however, "arising from COVID-19" does not include implementing policies and procedures that violate this title;

(B) Testing;

(C) Monitoring, collecting, reporting, tracking, tracing, disclosing, or investigating COVID-19 exposure or other COVID-19-related information;

(D) Using, designing, manufacturing, providing, donating, or servicing precautionary, diagnostic, collection, or other health equipment or supplies, such as personal protective equipment;

(E) Closing or partially closing to prevent or minimize the spread of COVID-19;

(F) Delaying or modifying the schedule or performance of any medical procedure; or

(G) Providing services or products in response to government appeal or repurposing operations to address an urgent need for personal protective equipment, sanitation products, or other products necessary to protect the public;

(4) "COVID-19" means the novel coronavirus, SARS-CoV-2, and coronavirus disease 2019, commonly referred to as COVID-19, including any variant of SARS-CoV-2 or COVID-19;

(5) "COVID-19 vaccine" means a substance used to stimulate the production of antibodies and provide protection against COVID-19, prepared from the causative agent of COVID-19, its products, or a synthetic substitute, and treated to act as an antigen without inducing a COVID-19 infection;

(6) "Employer" means a person, private business, or governmental entity employing one (1) or more persons within this state;

(7) "Face covering" means a protective covering designed to be worn over the nose and mouth to reduce the spread of COVID-19, but "face covering" does not include an industry required mask;

(8) "Governmental entity":

(A) Means a state department, agency, or political subdivision, including a city, town, municipality, metropolitan government, county, utility district, public building authority, housing authority, emergency communications district, county board of health, a development district created and existing pursuant to the laws of this state, or an instrumentality of government created by one (1) or more local governmental entities;

(B) Does not include a school or LEA, as defined in § 49-1-103;

(C) Does not include an airport authority;

(D) Does not include a Medicare or Medicaid certified provider, but only to the extent such provider is subject to a valid and enforceable Medicare or Medicaid condition of participation that imposes a requirement contrary to this title, except a person in a position covered by the definition of emergency medical services personnel in § 68-140-302;

(E) Does not include an entity operating on property owned, managed, or secured by the federal government, but only to the extent such entity is subject to a valid and enforceable federal requirement contrary to this title;

(F) Does not include a healthcare provider enrolled in Medicare or Medicaid that is subject to fines or penalties for nonadherence to federal rules and regulations, but only to the extent such provider is subject to a valid and enforceable Medicare or Medicaid condition of participation that imposes a requirement contrary to this title; and

(G) Does not include an assisted-care living facility, a home for the aged, a nursing home, or a residential hospice, as those terms are defined in § 68-11-201;

(9) "Healthcare provider" means a healthcare practitioner, person, or facility licensed, authorized, certified, registered, or regulated under title 33, title 63, title 68, federal law or order, or an executive order of the governor, including but not limited to any employees, agents, or contractors of such a practitioner, person, or facility, and residents, interns, students, fellows, or volunteers of an accredited school or of such school's affiliated teaching or training hospitals or programs in this state;

(10) "Industry required mask" means a face covering, protective cover, or prophylactic device designed to be worn over the nose and mouth for a particular industry that may prevent the spread of COVID-19, but that would be used in the particular industry regardless of the risk of exposure to COVID-19;

(11) "Legal guardian" means a person or entity that has the legal authority to provide for the care, supervision, or control of a minor as established by law or court order;

(12) "Minor":

(A) Means a person who has not attained eighteen (18) years of age;

(B) Does not include a person who has been emancipated pursuant to title 29, chapter 31; and

(C) Does not include a person who is seventeen (17) years of age and is enlisted in the military;

(13) "Monoclonal antibodies" means bamlanivimab plus etesevimab, casirivimab plus imdevimab, sotrovimab, or any other anti-COVID-19 monoclonal antibody products that target the spike protein of COVID-19 and are approved or authorized by the federal food and drug administration for use as a treatment or prophylaxis for a COVID-19 infection;

(14) "Person" means an individual;

(15) "Private business" means a person, sole proprietorship, corporation, limited liability company, partnership, trust, association, nonprofit organization described in § 501(c) of the Internal Revenue Code that is exempt from federal income taxation under § 501(a) of the Internal Revenue Code (26 U.S.C. § 501(a)), or any other legal or non-governmental entity whether formed as a for-profit or not-for-profit entity engaged in business or commerce in this state, but does not include:

(A) A school;

(B) A Medicare or Medicaid certified provider, but only to the extent such provider is subject to a valid and enforceable Medicare or Medicaid condition of participation that imposes a requirement contrary to this title, except a person in a position covered by the definition of emergency medical services personnel in § 68-140-302;

(C) A healthcare provider enrolled in Medicare or Medicaid that is subject to fines or penalties for nonadherence to federal rules and regulations, but only to the extent such provider is subject to a valid and enforceable Medicare or Medicaid condition of participation that imposes a requirement contrary to this title; or

(D) An assisted-care living facility, a home for the aged, a nursing home, or a residential hospice, as those terms are defined in § 68-11-201;

(16) "Proof of vaccination" means physical documentation or digital storage of a person's receipt of a COVID-19 vaccine;

(17) "Quarantine" means:

(A) The limitation or restriction of a person's freedom of movement or isolation of a person, or preventing or restricting access to premises upon which the person or the cause or source of COVID-19 may be found, for a period of time to prevent the spread of COVID-19; and

(B) Limiting or restricting the operation of a private business to prevent the spread of COVID-19;

(18) "School" means:

(A) A public elementary or secondary school operated by a local education agency or by the state with public funds, including a charter school;

(B) A publicly-operated child care agency, as defined in § 71-3-501; child care program, as defined in § 49-1-1102; preschool; or nursery school; and

(C) A public postsecondary educational institution;

(19) "School property" means all real property, improvements to real property, and facilities used for school purposes; and

(20) "Severe conditions" means:

(A) The governor has declared a state of emergency for COVID-19 pursuant to § 58-2-107; and

(B) A county has an average rolling fourteen-day COVID-19 infection rate of at least one thousand (1,000) new known infections for every one hundred thousand (100,000) residents of the county based on the most recent data published by the department of health. For purposes of this subdivision (20)(B), the number of new cases per one hundred thousand (100,000) persons within the last fourteen (14) days is calculated by adding the number of new cases in the county in the last fourteen (14) days divided by the population in the county by one hundred thousand (100,000).

14-1-102. Findings.

The general assembly finds that:

(1) Setting forth the rights of people in the context of COVID-19 restrictions in a statute assists the citizens of this state in the enforcement and protection of their rights and creates a safe harbor for those desiring to avoid litigation;

(2) Tennessee, as a great southern state within our federal system of government, is free to enact laws to protect the health and safety of its citizens under the police powers inherent to all states of a federal system of government;

(3) The United States Constitution does not prohibit the states from regulating health and medical practices, nor does it require any person to consent to any form of medical treatment, directly or indirectly, in relation to COVID-19;

(4) The right at common law to personal security and the liberty to be free from an unwanted touching of one's limbs and body was retained by the people of this state, and that right includes rights and duties with respect to medical treatment administered by other persons, such as through COVID-19 vaccinations;

(5) Informed consent between patients and healthcare practitioners protects the rights at common law of persons and all such consent must be voluntary and not given under duress, coercion, misrepresentation, or fraud; and

(6) Consistent with our constitutionally recognized and inalienable right of liberty, every person within this state is and must remain free to choose or to decline to be vaccinated against COVID-19 without penalty or threat of penalty.

14-1-103. Broad construction to safeguard liberty.

The purpose of this title is to safeguard the constitutional rights and liberty interests of persons during the COVID-19 pandemic. This title must be construed broadly to effectuate the purpose described in this section.

14-1-104. Construction with other laws.

(a) Notwithstanding any other law to the contrary, a governmental entity or public official shall not suspend any provision of this title, regardless of whether there is a state of emergency. This subsection (a) does not prohibit the governor from suspending a provision of this title pursuant to title 58, chapter 2, if the governor has declared a state of emergency.

(b) This title is in addition and supplemental to all other provisions of state law; wherever the application of this title conflicts with the application of other provisions of state law, this title prevails.

Chapter 2 – Uniform Standards

14-2-101. COVID-19 vaccine mandates by governmental entities.

A governmental entity, school, or local education agency shall not mandate that a:

(1) Person receive a COVID-19 vaccine; or

(2) Private business or school require proof of vaccination as a condition to access the private business's or school's premises or facilities or to receive the benefits of the private business's or school's products or services.

14-2-102. COVID-19 vaccine status.

(a) A private business, governmental entity, school, or local education agency shall not compel or otherwise take an adverse action against a person to compel the person to provide proof of vaccination if the person objects to receiving a COVID-19 vaccine for any reason.

(b) Allowing a person to voluntarily provide proof of vaccination or proof of COVID-19 antibodies instead of a negative COVID-19 test in order to gain admission to a place of entertainment, as defined in § 47-25-512 is not a violation of this subsection (a).

(c) Notwithstanding subsection (a), a person is not prohibited from requiring another person to provide proof of vaccination as a condition to entering that person's personal residence for purposes of providing products or services.

14-2-103. Face coverings generally.

(a) Notwithstanding any law to the contrary and except as otherwise provided in subsection (c) and (e):

(1) A governmental entity shall not require a person to wear a face covering as a condition to access the governmental entity's premises or facilities, or to receive the benefits of the governmental entity's products or services, unless severe conditions exist and the requirement is in effect for no more than fourteen (14) days; and

(2) An employer that is a governmental entity shall not require an employee to wear a face covering as a term or condition of employment, or take an adverse action against an employee for failing to wear a face covering, unless severe conditions exist at the time the requirement is adopted and the requirement is in effect for not more than fourteen (14) days.

(b) A governmental entity may renew its face covering requirement for additional fourteen-day periods if severe conditions continue to exist each time the face covering requirement is renewed. If, at the end of a fourteen-day period, severe conditions no longer exist, then the governmental entity shall not renew its face covering requirement or otherwise require a person to wear a face covering as a condition to access its premises or facilities; to receive the benefits of its products or services; or as a term or condition of employment.

(c) Notwithstanding subsection (a), a governmental entity shall not require a person to wear a face covering if the person provides documentation from the person's healthcare provider that wearing a face covering is contraindicated for the person, or if the person objects to wearing a face covering because of the person's sincerely held religious belief.

(d) This section does not authorize a person to access the premises or facilities of a governmental entity, or to receive the benefits of a governmental entity's products or services, if the person is otherwise prohibited from accessing its premises or facilities, or from receiving the benefits of its products or services.

(e) This section does not apply to state or local correctional facilities housing inmates in a congregate living arrangement.

14-2-104. Face coverings for schools.

(a) Notwithstanding title 49 or any other law to the contrary and except as otherwise provided in subsection (c), a school or a governing body of a school shall not require a person to wear a face covering while on school property unless:

(1) The principal or president of the school submits a written request to the school's governing body for the adoption of a policy requiring all persons on school property to wear a face covering;

(2) Severe conditions exist;

(3) The school's governing body adopts such a policy on a school-by-school or campus-by-campus basis and only:

(A) For the school for which a request is submitted by the principal or president pursuant to subdivision (a)(1);

(B) If all other conditions or requirements of this subsection (a) exist at the time the policy is adopted; and

(C) If the policy is in effect for no more than fourteen (14) days;

(4) The school provides face coverings for persons twelve (12) years of age and older that meet the U.S. National Institute for Occupational Safety and Health N95 classification of air filtration, meaning that the face covering filters at least ninety-five percent (95%) of airborne particles, including droplets containing COVID-19; and

(5) The school provides age-appropriate face coverings for persons under twelve (12) years of age, but over five (5) years of age, that provide air filtration similar to the face coverings described in subdivision (a)(4).

(b) A principal or president of a school may submit a written request to the school's governing body to renew the face covering requirement for the school for an additional fourteen-day period if the requirements of subsection (a) exist at the time the face covering requirement is renewed. If, at the end of a fourteen-day period, one (1) or more of the requirements or conditions of subsection (a) no longer exist, then a school shall not renew the school's face covering requirement or otherwise require a person to wear a face covering on school property.

(c) Notwithstanding subsection (a), a school shall not require a person to wear a face covering if the person provides documentation from the person's healthcare provider that wearing a face covering is contraindicated for the person, or if the person objects to wearing a face covering because of the person's sincerely held religious belief.

(d) Notwithstanding subsection (a):

(1) A school shall, to the extent practicable, provide a reasonable accommodation pursuant to the Americans with Disabilities Act (42 U.S.C. § 12101 et seq.) to a person who provides a written request for a reasonable accommodation to the principal or president of the school. If the person requesting a reasonable accommodation under this subsection (d) is a minor, then the person's parent or legal guardian must provide the written request on the minor's behalf.

(2) The principal or president of the school shall evaluate the request on behalf of the school and, to the extent practicable, provide a reasonable accommodation. The principal or president shall issue a decision approving or denying the request in writing. If the principal or president denies the request, then the grounds for denial must be provided in the principal's or president's written decision. If the principal or president approves the request, then the school shall place the person in an in-person educational setting in which other persons who may place or otherwise locate themselves within six

feet (6') of the person receiving the reasonable accommodation for longer than fifteen (15) minutes are wearing a face covering provided by the school that:

(A) For persons twelve (12) years of age or older, meets the U.S. National Institute for Occupational Safety and Health N95 classification of air filtration, meaning that the face covering filters at least ninety-five percent (95%) of airborne particles, including droplets containing COVID-19; and

(B) For persons under twelve (12) years of age, but over five (5) years of age, is age-appropriate and provides air filtration similar to the face coverings described in subdivision (d)(2)(A).

(e) The governing body of a school shall not use state funds to mandate or require students to wear face coverings in violation of this section. If a school's governing body violates this subsection (e), then the commissioner of education may withhold future distributions of school funds from a local education agency in the amount of the state funds used in violation of this section, or the attorney general and reporter may initiate legal proceedings to recover all state funds used in violation of this subsection (e).

(f) This section does not authorize a person to access a school's property or to receive the benefits of a school's services if the person is otherwise prohibited from accessing the school's property, or from receiving the benefits of the school's services.

Chapter 3 – Unemployment Benefits Relative to COVID-19

14-3-101. Unemployment benefits.

(a) The disqualification from receipt of unemployment benefits provided in § 50-7-303(a)(1)(A) does not apply to a claimant who left employment because the claimant's employer, as defined in § 50-7-205, required its employees to receive a COVID-19 vaccine and the claimant failed or refused to receive a COVID-19 vaccine.

(b) Unemployment benefits shall not be reduced or denied under title 50, chapter 7 to an otherwise eligible claimant who left employment due to the claimant's failing or refusing to receive a COVID-19 vaccine.

(c) This section entitles an otherwise eligible claimant to a retroactive payment of unemployment benefits if the claimant was denied benefits on grounds that the claimant's separation from employment for failing or refusing to receive a COVID-19 vaccine was insufficient for benefits.

Chapter 4 – Healthcare Standards of Practice

14-4-101. Sole authority to quarantine.

(a) Notwithstanding any law to the contrary, the commissioner of health has the sole authority to determine quarantine guidelines for:

(1) A person if the person tests positive for COVID-19. The quarantine of a person must be lifted if the person receives a negative antigen detection test result or a negative molecular diagnostic test result at any time during the quarantine period; and

(2) A private business or school for purposes of closing the private business or restricting the operation of the private business for purposes of COVID-19. The quarantine of a business must be lifted as soon as practicable after the commissioner is satisfied that the conditions at the business do not present a serious public health or safety threat with respect to the spread of COVID-19.

(b) A local health entity or official, mayor, governmental entity, or school does not have the authority to quarantine a person or private business for purposes of COVID-19.

(c) The commissioner may only establish quarantine guidelines by rules promulgated pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

14-4-102. Monoclonal antibodies.

Notwithstanding any guidance or advice received from a governmental entity to the contrary, a healthcare provider shall exercise independent professional judgment when determining whether to recommend, prescribe, offer, or administer monoclonal antibodies to a patient as a treatment or prophylaxis against COVID-19.

14-4-103. Mature minor doctrine.

(a) Except as provided in subsection (b), a healthcare provider shall not provide a patient who is a minor with a COVID-19 vaccine without first obtaining written consent from the minor patient's parent or legal guardian.

(b) Subsection (a) does not apply if a healthcare provider, in the provider's independent professional judgment, suspects that the minor may be subjected to abuse, as defined in § 37-1-102, by a parent or legal guardian, or may be a dependent and neglected child, as defined in § 37-1-102. If the exception provided in this subsection (b) applies, then the common law applies to the minor's capacity to consent to receiving a COVID-19 vaccine.

14-4-104.

Notwithstanding title 63 or 68 to the contrary, any disciplinary process, or action taken pursuant to such process, that is implemented by a health-related board regarding the dispensing or prescribing of medication for COVID-19 must be promulgated as a rule pursuant to title 4, chapter 5.

Chapter 5 – Liability

14-5-101. Clear and convincing standard for liability.

(a) Except as otherwise provided in this title, there is no claim against a person for loss, damage, injury, or death arising from COVID-19, unless the claimant proves by clear and convincing evidence that the person proximately caused the loss, damage, injury, or death by an act or omission constituting gross negligence or willful misconduct.

(b)

(1) In any claim alleging loss, damage, injury, or death arising from a COVID-19 infection, the claimant must file a verified complaint pleading specific facts with particularity from which a finder of fact could reasonably conclude that the alleged loss, damage, injury, or death was caused by the defendant's gross negligence or willful misconduct.

(2) In any claim alleging loss, damage, injury, or death based on a COVID-19 infection, the claimant must also file a certificate of good faith stating that the claimant or claimant's counsel has consulted with a physician duly licensed to practice in this state or a contiguous state, and the physician has provided a signed written statement that the physician is competent to express an opinion on the contraction of COVID-19, and, upon information and belief, believes that the alleged loss, damage, injury, or death was caused by an alleged act or omission of the defendant or defendants.

(3) The failure of a claimant to satisfy the requirements of subdivisions (b)(1) and (2), if required by subdivision (b)(2), makes the action subject to dismissal with prejudice upon motion of the defendant.

(c) This chapter does not:

(1) Create a cause of action;

(2) Eliminate a required element of any existing cause of action;

(3) Affect workers' compensation claims under the Workers' Compensation Law, compiled in title 50, chapter 6, including the exclusive application of such law; or

(4) Amend, repeal, alter, or affect any immunity, defense, limitation of liability, or procedure available or required under law or contract.

(d) Unless otherwise prohibited by the United States or Tennessee Constitution, this chapter applies to claims arising from COVID-19 except those for which, on or before August 3, 2020:

(1) A complaint or civil warrant was filed;

(2) Notice of a claim was given pursuant to § 9-8-402; or

(3) Notice was satisfied pursuant to § 29-26-121(a)(3) or § 14-5-101(b).

(e) As used in this section, "person" means an individual, healthcare provider, sole proprietorship, corporation, limited liability company, partnership, trust, religious organization, association, nonprofit organization described in 501(c) of the Internal Revenue Code that is exempt from federal income taxation under 501(a) of the Internal Revenue Code, 26 U.S.C. 501(a), or any other legal entity whether formed as a for-profit or not-for-profit entity.

14-5-102. Termination date.

This chapter terminates on July 1, 2022, but continues to apply to any loss, illness, injury, or death occurring before July 1, 2022, to which none of the exceptions listed in § 14-5-101(d) apply.

Chapter 6 – Miscellaneous

14-6-101. Anti-commandeering.

(a) Except funding for emergency rules already in effect and until the emergency rule expires, public funds of this state, or any political subdivision of this state, shall not be allocated for the implementation, regulation, or enforcement of any federal law, executive order, rule, or regulation that mandates the administration of a COVID-19 countermeasure.

(b) Except for emergency rules already in effect and until the emergency rule expires, personnel or property of this state, or any governmental entity of this state, shall not be allocated for the implementation, regulation, or enforcement of any federal law, executive order, rule, or regulation that mandates the administration of a COVID-19 countermeasure.

(c) As used in this section, "countermeasure" has the same meaning as "covered countermeasure" as that term is defined in the Public Readiness and Emergency Preparedness (PREP) Act, codified at 42 U.S.C. § 247d-6d

14-6-102.

(a) A provision of chapter 2 or 6 of this title does not apply to a private business, governmental entity, school, or employer that submits notice in writing to the comptroller of the treasury that compliance with a provision chapter 2 or 6 of this title would result in a loss of federal funding, to the extent such an exemption is necessary to conform to federally awarded or amended contracts, subcontracts, or postsecondary grants as a condition to receipt of federal funds. The comptroller of the treasury shall create guidelines as to what information is required in the notice. The comptroller shall review a notice submitted by a private business, governmental entity, school, or employer and, if the comptroller finds that compliance would result in a loss of federal funding, then the comptroller shall notify the private business, governmental entity, school, or employer in writing of its exemption. Section 14-6-103 does not apply to a violation of chapter 2 of this title committed by a private business, governmental entity, school, or employer if compliance with the violated provision has been exempted by the comptroller.

(b) After one (1) calendar year from the date on which the comptroller exempts the private business, governmental entity, school, or employer from a provision of chapter 2 or 6 of this title, the private business, governmental entity, school, or employer must submit notice in writing to the comptroller to have the exemption renewed for no more than one (1) additional one-year period. A private business, governmental entity, school, or employer shall notify the comptroller within fourteen (14) days if the conditions or justifications for the comptroller granting the exemption no longer exist.

14-6-103. Remedies.

A person injured as a result of a violation of chapter 2 or § 14-4-103 of this title is entitled to maintain a private right of action for injunctive relief and to recover compensatory damages and reasonable attorneys' fees against an alleged violator.

14-6-104. Termination Date.

This title, except for chapter 5, terminates on July 1, 2023.

SECTION 2. Tennessee Code Annotated, Section 9-8-307(j), is amended by adding the following language to the end of the subsection:

This subsection (j) terminates on July 1, 2022, but continues to apply to any loss, illness, injury, or death occurring before July 1, 2022, to which none of the exceptions listed in § 14-5-101(d) apply.

SECTION 3. Tennessee Code Annotated, Sections 9-8-307(j), 29-20-205(10), 29-20-310(f)(1), 49-7-159, are amended by deleting the language "29-34-802(a)" and substituting instead the language "14-1-101".

SECTION 4. Tennessee Code Annotated, Sections 9-8-307(j), 29-20-205(10), and 49-7-159, are amended by deleting the language "29-34-802(c)" and substituting instead the language "title 14, chapter 5".

SECTION 5. Tennessee Code Annotated, Section 29-20-205(10), is amended by adding the following language to the end of the subdivision:

This subdivision (10) terminates on July 1, 2022, but continues to apply to any loss, illness, injury, or death occurring before July 1, 2022, to which none of the exceptions listed in § 14-5-101(d) apply.

SECTION 6. Tennessee Code Annotated, Section 29-20-310(f), is amended by adding the following language as a new subdivision:

This subsection (f) terminates on July 1, 2022, but continues to apply to any loss, illness, injury, or death occurring before July 1, 2022, to which none of the exceptions listed in § 14-5-101(d) apply.

SECTION 7. Tennessee Code Annotated, Title 29, Chapter 34, Part 8, is amended by deleting the part.

SECTION 8. Tennessee Code Annotated, Section 49-7-159, is amended by adding the following language to the end of the section:

This section terminates on July 1, 2022, but continues to apply to any loss, illness, injury, or death occurring before July 1, 2022, to which none of the exceptions listed in § 14-5-101(d) apply.

SECTION 9. Tennessee Code Annotated, Section 50-7-303(a)(1), is amended by adding the following as a new subdivision:

(C) The disqualification provided in subdivision (a)(1)(A) does not apply to a claimant who left employment because the claimant's employer required its employees to receive a COVID-19 vaccine, as defined in § 14-1-101, and the claimant failed or refused to receive the immunization or vaccination.

SECTION 10. Tennessee Code Annotated, Section 50-7-303(c), is amended by adding the following as a new subdivision:

(4) Benefits shall not be reduced or denied under this chapter to an otherwise eligible claimant for separation from employment due to the claimant's failure or refusal to receive a COVID-19 vaccine, as defined in § 14-1-101.

SECTION 11. Tennessee Code Annotated, Title 68, Chapter 5, Part 1, is amended by deleting §§ 68-5-115 - 68-5-117.

SECTION 12. Tennessee Code Annotated, Title 68, Chapter 11, Part 2, is amended by adding the following as a new section:

(a) As used in this section:

(1) "COVID-19" means the novel coronavirus, SARS-CoV-2, and coronavirus disease 2019, commonly referred to as COVID-19, including any variant of SARS-CoV-2 or COVID-19;

(2) "Family member" means a spouse, parent, grandparent, stepmother, stepfather, child, grandchild, brother, sister, half-brother, half-sister, adopted child, or spouse's parent; and

(3) "Hospital" has the same meaning as defined in § 68-11-201.

(b) Notwithstanding any law to the contrary, during a period in which a disaster, emergency, or public health emergency for COVID-19 has been declared, a hospital shall not restrict a patient from having at least one (1) family member present with the patient during the stay in the hospital as long as the family member tests negative for COVID-19 and is not exhibiting symptoms of COVID-19 or another virus or communicable disease.

SECTION 13. The headings to sections, parts, and chapters in this act are for reference purposes only and do not constitute a part of the law enacted by this act. However, the Tennessee Code Commission is requested to include the headings in any compilation or publication containing this act.

SECTION 14. If any provision of this act or its application to any person or circumstance is held invalid, then the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end, the provisions of this act are severable.

SECTION 15. This act takes effect upon becoming a law, the public welfare requiring it, and except as otherwise provided in § 14-5-101, this act applies to acts occurring on or after the effective date of this act.

/s/ Senator Jack Johnson
/s/ Senator Mike Bell
/s/ Senator Bo Watson
/s/ Senator Paul Bailey
/s/ Senator Dawn White

/s/ Representative Jason Zachary
/s/ Representative William Lamberth
/s/ Representative Bryan Terry
/s/ Representative Robin Smith
/s/ Representative Tim Rudd
/s/ Representative Chris Todd

Rep. Holsclaw moved the previous question, which motion prevailed.

Rep. Zachary moved that the House adopt the Conference Committee Report on **Senate Bill No. 14** and make it the action of the House, which motion prevailed by the following vote:

Ayes	58
Noes.....	22
Present and not voting.....	2

Representatives voting aye were: Boyd, Byrd, Calfee, Campbell S, Carr, Carringer, Casada, Cochran, Darby, Doggett, Eldridge, Faison, Farmer, Gant, Gillespie, Griffey, Grills, Halford, Hall, Haston, Hawk, Helton, Hicks G, Hicks T, Holsclaw, Howell, Hulsey, Hurt, Johnson C, Keisling, Lafferty, Lamberth, Leatherwood, Littleton, Lynn, Marsh, Moody, Ogles, Powers, Ragan, Reedy, Rudd, Rudder, Russell, Sherrell, Smith, Sparks, Terry, Todd, Vaughan, Vital, Warner, White, Williams, Windle, Wright, Zachary, Mr. Speaker Sexton—58

Representatives voting no were: Baum, Beck, Camper, Clemmons, Curcio, Freeman, Garrett, Hardaway, Harris, Hazlewood, Hodges, Johnson G, Kumar, Lamar, Mannis, Mitchell, Powell, Shaw, Stewart, Travis, Weaver, Whitson—22

Representatives present and not voting were: Moon, Ramsey—2

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member desires to change their original stand from "no" to "aye" on the **Conference Committee Report on Senate Bill No. 14** and have this statement entered in the Journal: Rep. Garrett.

EXCUSED

The Speaker announced that the following members have been excused, pursuant to requests under **Rule No. 20**:

Representative Jernigan

HOUSE ACTION ON SENATE MESSAGES

***House Bill No. 76** -- Public Health - As introduced, grants governor exclusive jurisdiction to issue orders and directives regarding county health departments during a pandemic; vests county mayors with authority to issue orders relative to the health and safety of county residents; vests commissioner of health with exclusive authority to quarantine persons and businesses for purposes of COVID-19. - Amends TCA Title 4; Title 14; Title 58; Title 68, Chapter 2 and Chapter 550 of the Public Acts of 2021. by *Sexton C, *Vaughan, *Williams, *Griffey, *Leatherwood, *Zachary, *Cepicky, *Lynn, *Howell. (SB13 by *McNally, *Massey)

Rep. Vaughan moved that the House adopt the Conference Committee Report on **House Bill No. 76** and make it the action of the House.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL NO. 76**

The House and Senate Conference Committee appointed pursuant to motions to resolve the differences between the two houses on House Bill No. 76 (Senate Bill No. 13) has met and recommends that all amendments be deleted.

The Committee further recommends that the following amendment be adopted:

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 2, Part 6, is amended by adding the following as a new section:

(a) Notwithstanding any law to the contrary:

(1) For the purposes of effectively mitigating the impact of a pandemic, upon declaration of a pandemic by the world health organization and a subsequent declaration of a state of emergency by the governor indicating that the pandemic impacts this state, and until such pandemic ceases to exist, the governor has exclusive jurisdiction to issue executive orders and directives with respect to each county health department in this state, including a county health department created by private or public act prior to July 1, 1985, or by action of a county legislative body; and

(2) The commissioner of health and a local health department, board, entity, county mayor, or official shall not supersede, vacate, contradict, or refuse to comply with such executive order or directive of the governor issued pursuant to subdivision (1).

(b) For purposes of subsection (a), a pandemic ceases to exist when the governor terminates the state of emergency or allows the declaration of the state of emergency to expire upon finding that the pandemic no longer significantly impacts this state.

SECTION 2. Section 4 of Chapter 550 of the Public Acts of 2021, as codified in Tennessee Code Annotated, Section 68-2-609, is amended by deleting subdivision (4).

SECTION 3. Tennessee Code Annotated, Section 68-2-603(a), is amended by deleting subdivision (6) and substituting instead:

(6) When the commissioner appoints a county health director pursuant to this subsection (a), the appointment shall be made in writing by the commissioner in concurrence with the county mayor of the county for which the appointment is made. The mayor shall submit a slate of not more than three (3) nominees to the commissioner for consideration within ten (10) days of a request for nominees by the commissioner. The commissioner may appoint a health director from the list of nominees or request additional nominees.

SECTION 4. Tennessee Code Annotated, Section 68-2-601(i), is amended by deleting the subsection and substituting instead the following:

(i) A county health department or board of health of a county in existence prior to July 1, 1985, remains in existence after the effective date of this act. The regulations of such departments and boards remain in full force in effect to the extent such regulations do not conflict with this part 6.

SECTION 5. Tennessee Code Annotated, Section 68-2-609(1), is amended deleting the subdivision and substituting:

(1) Except as provided in Section 1 of this act, the quarantine of any place or person, if the county health officer finds that quarantine is necessary to protect the public health from an epidemic;

SECTION 6. Tennessee Code Annotated, Section 68-2-603(c), is amended by deleting the first sentence and substituting instead:

The commissioner may appoint a county health officer responsible for providing medical direction, including medical enforcement actions with the approval of the commissioner or the county mayor.

SECTION 7. Tennessee Code Annotated, Section 68-2-601, is amended by designating subsection (f) as subdivision (f)(2) and adding the following new subdivision (f)(1):

(1) Except as provided in Section 1 of this act, under advisement of the county board of health under subdivisions (f)(2)(B) and (C), the county mayor has the power to issue orders as are necessary or appropriate to protect the general health and safety of county residents.

SECTION 8. This act takes effect upon becoming a law, the public welfare requiring it.

/s/ Senator Becky Massey

/s/ Senator Ed Jackson

/s/ Senator Paul Rose

/s/ Senator Todd Gardenhire

/s/ Representative Kevin Vaughan

/s/ Representative Patsy Hazlewood

/s/ Representative John Mark Windle

/s/ Representative Rusty Grills

Rep. Holsclaw moved the previous question which motion prevailed by the following vote:

Ayes 66

Noes 15

Representatives voting aye were: Baum, Boyd, Byrd, Calfee, Campbell S, Carr, Carringer, Casada, Cochran, Curcio, Darby, Eldridge, Faison, Farmer, Gant, Garrett, Gillespie, Griffey, Grills, Halford, Hall, Haston, Hawk, Hazlewood, Helton, Hicks G, Hicks T, Holsclaw, Howell, Hurt, Johnson C, Keisling, Kumar, Lafferty, Lamberth, Leatherwood, Lynn, Mannis, Marsh, Moon, Ogles, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Shaw, Sherrell, Smith, Sparks, Terry, Todd, Travis, Vaughan, Vital, Warner, Weaver, White, Whitson, Williams, Windle, Wright, Zachary, Mr. Speaker Sexton--66

Representatives voting no were: Beck, Camper, Chism, Clemmons, Doggett, Freeman, Hardaway, Harris, Hodges, Johnson G, Lamar, Mitchell, Moody, Powell, Stewart—15

Rep. Vaughan moved that the House adopt the Conference Committee Report on **House Bill No. 76** and make it the action of the House, which motion prevailed by the following vote:

Ayes	67
Noes.....	14
Present and not voting.....	1

Representatives voting aye were: Baum, Boyd, Byrd, Calfee, Carr, Carringer, Casada, Cochran, Curcio, Darby, Doggett, Eldridge, Faison, Farmer, Gant, Garrett, Gillespie, Griffey, Grills, Halford, Hall, Haston, Hawk, Helton, Hicks G, Hicks T, Holsclaw, Howell, Hulsey, Hurt, Johnson C, Keisling, Kumar, Lafferty, Lamberth, Leatherwood, Littleton, Lynn, Mannis, Marsh, Moody, Moon, Ogles, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sherrell, Smith, Sparks, Terry, Todd, Travis, Vaughan, Vital, Warner, Weaver, White, Whitson, Williams, Windle, Wright, Zachary, Mr. Speaker Sexton--67

Representatives voting no were: Beck, Camper, Chism, Clemmons, Freeman, Hardaway, Harris, Hodges, Johnson G, Lamar, Mitchell, Powell, Shaw, Stewart--14

Representatives present and not voting were: Campbell S--1

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member desires to change their original stand from "not voting" to "aye" on the **Conference Committee Report on House Bill No. 76** and have this statement entered in the Journal: Rep. Hazlewood.

UNFINISHED BUSINESS

BILLS WITHDRAWN

On motion of Rep. Freeman, **House Joint Resolution No. 16** was withdrawn from the House.

RULES SUSPENDED

Rep. Lamberth moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 22 out of order, which motion prevailed.

***House Joint Resolution No. 22** -- General Assembly, Adjournment - Adjourns sine die Third Extraordinary Session of 112th General Assembly on October 30, 2021. by *Lamberth.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Lamberth, the resolution was adopted.

A motion to reconsider was tabled.

ROLL CALL

The roll call was taken with the following results:

Present..... 76

Representatives present were Boyd, Byrd, Calfee, Campbell S, Camper, Carr, Carringer, Casada, Chism, Clemmons, Cochran, Curcio, Darby, Doggett, Eldridge, Faison, Farmer, Freeman, Gant, Garrett, Gillespie, Grills, Halford, Hall, Hardaway, Harris, Hawk, Hazlewood, Helton, Hicks G, Hicks T, Hodges, Holsclaw, Howell, Hulsey, Hurt, Johnson C, Johnson G, Keisling, Kumar, Lafferty, Lamberth, Leatherwood, Littleton, Lynn, Mannis, Marsh, Mitchell, Moody, Moon, Ogles, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Shaw, Sherrell, Smith, Sparks, Stewart, Terry, Todd, Travis, Vaughan, Vital, Warner, White, Whitson, Williams, Windle, Wright, Zachary, Mr. Speaker Sexton -- 76

JOURNAL APPROVED

On motion of Rep. Lamberth, the Journal of the House of Representatives and the proceedings thereof were approved from the First through the Fourth Legislative Day of the Third Extraordinary Session.

MOTION TO ADJOURN

Rep. Lamberth moved that pursuant to **House Joint Resolution No. 22**, the Third Extraordinary Session of the House of Representatives of the One-Hundred Twelfth General Assembly adjourn sine die, which motion prevailed.

ENGROSSED BILLS October 30, 2021

MR. SPEAKER: The following bills have been examined, engrossed and are ready for transmission to the Senate: House Joint Resolution No. 22;

GREG GLASS, Chief Engrossing Clerk

MESSAGE FROM THE SENATE October 30, 2021

MR. SPEAKER: I am directed to transmit to the House, House Bill No. 76. The Senate adopted the Conference Committee Report and made it the action of the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**MESSAGE FROM THE SENATE
October 30, 2021**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution No. 22 concurred in by the Senate

RUSSELL A. HUMPHREY, Chief Clerk

**MESSAGE FROM THE SENATE
October 30, 2021**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution No. 34 adopted, for the House's action.

RUSSELL A. HUMPHREY, Chief Clerk

SINE DIE ADJOURNMENT

Thereupon, in accordance with **House Joint Resolution No. 22**, Mr. Speaker Sexton declared the Third Extraordinary Session of the House of Representatives of the One-Hundred Twelfth General Assembly adjourned, sine die.

Cameron Sexton, Speaker,
House of Representatives.

ATTEST:

TAMMY LETZLER, Chief Clerk,
House of Representatives.

**BILLS AND RESOLUTIONS ENROLLED, SIGNED AND
TRANSMITTED TO THE GOVERNOR
SUBSEQUENT TO SINE DIE ADJOURNMENT**

Appendix of House Bills and Resolutions presented to the Speaker of the House of Representatives and the Speaker of the Senate for their signatures, and appendix of the House Bills and House Joint Resolutions presented to the Governor, with his action, as recorded in the Office of the Secretary of State.

**MESSAGE FROM THE SENATE
November 1, 2021**

MR. SPEAKER: I am directed to return to the House, House Joint Resolutions Nos. 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 18, 19 and 20; concurred in by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**ENROLLED BILLS
November 1, 2021**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Joint Resolutions Nos. 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 18, 19, 20, 21 and 22; and find same correctly enrolled and ready for the signatures of the Speakers.

GREG GLASS, Chief Engrossing Clerk

**SIGNED
November 1, 2021**

The Speaker announced that he had signed the following: House Joint Resolutions Nos. 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 18, 19, 20, 21 and 22.

GREG GLASS, Chief Engrossing Clerk

**MESSAGE FROM THE SENATE
November 1, 2021**

MR. SPEAKER: I am directed to return to the House, House Joint Resolutions Nos. 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 18, 19, 20, 21 and 22; signed by the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk

**ENROLLED BILLS
November 1, 2021**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bills Nos. 72, 73, 75 and 76; and find same correctly enrolled and ready for the signatures of the Speakers.

GREG GLASS, Chief Engrossing Clerk

**SIGNED
November 1, 2021**

The Speaker announced that he had signed the following: House Bills Nos. 72, 73, 75 and 76.

GREG GLASS, Chief Engrossing Clerk

**MESSAGE FROM THE SENATE
November 1, 2021**

MR. SPEAKER: I am directed to return to the House, House Bills Nos. 72, 73, 75 and 76; signed by the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk

**REPORT OF CHIEF ENGROSSING CLERK
November 1, 2021**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bills Nos. 72, 73, 75 and 76; for his action.

GREG GLASS, Chief Engrossing Clerk

**REPORT OF CHIEF ENGROSSING CLERK
November 1, 2021**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Joint Resolutions Nos. 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 18, 19, 20 and 21; for his action.

GREG GLASS, Chief Engrossing Clerk

**MESSAGE FROM THE SENATE
November 1, 2021**

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos. 7, 8 and 14; For the signature of the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk

**SIGNED
November 1, 2021**

14. The Speaker announced that he had signed the following: Senate Bills Nos. 7, 8 and

TAMMY LETZLER, Chief Clerk

**MESSAGE FROM THE SENATE
November 3, 2021**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution No. 4; For the signature of the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk

**SIGNED
November 3, 2021**

4. The Speaker announced that he had signed the following: Senate Joint Resolution No.

TAMMY LETZLER, Chief Clerk

MESSAGE FROM THE SENATE
November 5, 2021

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolutions Nos. 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32 and 33; For the signature of the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk

SIGNED
November 9, 2021

The Speaker announced that he had signed the following: Senate Joint Resolutions Nos. 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32 and 33.

TAMMY LETZLER, Chief Clerk

MESSAGE FROM THE GOVERNOR
November 10, 2021

MR. SPEAKER: I am directed by the Governor to return herewith: House Joint Resolutions Nos. 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 18, 19, 20 and 21; with his approval.

REBECCA KAUNISTO for LANG WISEMAN, Deputy and Counsel to the Governor

MESSAGE FROM THE GOVERNOR
November 12, 2021

MR. SPEAKER: I am directed by the Governor to return herewith: House Bills Nos. 72, 73 and 75; with his approval.

REBECCA KAUNISTO for LANG WISEMAN, Deputy and Counsel to the Governor

MESSAGE FROM THE GOVERNOR
November 12, 2021

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill No. 76; without his signature.

REBECCA KAUNISTO for LANG WISEMAN, Deputy and Counsel to the Governor

COMMUNICATION
November 12, 2021

The Honorable Cameron Sexton
Speaker, Tennessee House of Representatives
425 Rep. John Lewis Way N., Suite 600
Nashville, TN 37243

Dear Speaker Sexton,

I am allowing House Bill 76 – the legislation regarding the local departments of health – to become law without my signature.

I understand and appreciate the General Assembly's concerns over the exercise of certain local authority during the pandemic; however, this bill requires significant updates to account for the non-pandemic functions of public health departments. I have discussed the necessary updates with you and Lt. Gov. McNally, and I appreciate your joint commitment to pursue these updates during the upcoming legislative session.

Meanwhile, however, I am allowing House Bill 76 to become law without my signature.

Respectfully,

/s/ Bill Lee

cc: The Honorable Randy McNally, Lieutenant Governor and Speaker of the Senate
The Honorable Members of the 112th General Assembly